

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

JASON L. FALLS,	)	
	)	
Petitioner,	)	
vs.	)	NO. CIV-09-1133-D
	)	
GREGG WILLIAMS,	)	
	)	
Respondent.	)	

**ORDER**

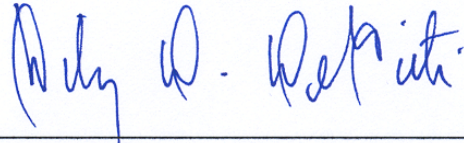
Petitioner, a state prisoner who appears *pro se*, brought this action seeking habeas corpus relief pursuant to 28 U. S. C. § 2254. In accordance with 28 U.S.C. §636(b)(1)(B), the matter was referred to United States Magistrate Judge Doyle W. Argo for initial proceedings.

On September 9, 2010, the Magistrate Judge filed a Report and Recommendation [Doc. No. 25] in which he recommended the Petition be denied. In the Report and Recommendation, the Magistrate Judge advised the parties of their right to file objections to the findings and conclusions set forth therein, and he scheduled a September 29, 2010 deadline for filing such objections. The Magistrate Judge also expressly cautioned Petitioner that a failure to timely file objections would result in his waiver of the right to appellate review of the matters determined in the Report and Recommendation.

The deadline has expired, and Petitioner did not file an objection to the Report and Recommendation or seek an extension of time in which to do so. Therefore, the Report and Recommendation [Doc. No. 25] is adopted as though fully set forth herein. For the reasons set forth in the Report and Recommendation, the Petition is DENIED. Judgment shall enter accordingly.

Pursuant to Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, the Court further finds that Petitioner is not entitled to a Certificate of Appealability. Petitioner is entitled to a Certificate of Appealability only if he has made a substantial showing of the denial of a constitutional right. *See* 28 U.S.C. §2253(c)(2). To do so, he must demonstrate that the issues he seeks to raise are deserving of further proceedings, debatable among jurists of reason, or subject to different resolution on appeal. *See Slack v. McDaniel*, 529 U.S. 473, 484 (2000). The Court concludes that, for the reasons set forth in the Report and Recommendation, Petitioner has failed to make that showing in this case.

IT IS SO ORDERED this 14<sup>th</sup> day of October, 2010.



---

TIMOTHY D. DEGIUSTI  
UNITED STATES DISTRICT JUDGE